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4 **UNITED STATES DISTRICT COURT**  
5 **NORTHERN DISTRICT OF CALIFORNIA**  
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8 **GREGORY A. KOVAC,**

9 **Plaintiff,**

10 **vs.**

11 **EXCEL REALTY AND MORTGAGE, INC., et al.,**

12 **Defendants.**

Case No.: 15-cv-04552 YGR

**ORDER GRANTING MOTION TO DISMISS;  
REMANDING ACTION**

**RE: DKT. No. 16**

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14 Plaintiff Gregory A. Kovac brings this removed wrongful foreclosure action against  
15 defendants. On October 30, 2015, Defendant Federal Housing Finance Agency (“FHFA”) filed a  
16 motion to dismiss on the grounds that plaintiff failed to serve FHFA properly or in a timely manner,  
17 plaintiff failed to state a claim against FHFA, and plaintiff failed to exhaust his administrative remedy  
18 prior to filing the action. (Dkt. No. 16.) On November 30, 2015, plaintiff filed a statement on non-  
19 opposition to defendant FHFA’s motion to dismiss. (Dkt. No. 21.) Accordingly, the Court hereby  
20 **GRANTS FHFA’s motion to dismiss WITHOUT LEAVE TO AMEND.**


21 FHFA removed this action on the basis that its presence as a United States government  
22 defendant permitted removal under 28 U.S.C. section 1442(a)(1). (See Notice of Removal, Dkt. No.  
23 1.) The remaining defendants did not join in the removal of this action. This Order disposes of  
24 plaintiff’s claims against the FHFA entirely and no other party has sought to invoke this Court’s  
25 jurisdiction over any remaining claims. Remand is justified on this basis alone. In addition, without  
26 the presence of FHFA, the Court cannot discern any basis for jurisdiction over the remaining  
27 defendants for plaintiff’s state law claims. Consequently, this action is hereby **REMANDED.**

28 This Order terminates Docket No. 16.

1 The Clerk of Court is directed to **REMAND** this action to the Superior Court of California,  
2 County of Alameda.

3 **IT IS SO ORDERED.**

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5 Dated: December 2, 2015

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7 YVONNE GONZALEZ ROGERS  
8 UNITED STATES DISTRICT COURT JUDGE  
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